

10/05/99



Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Examiner \_\_\_\_\_  
Group Art Unit \_\_\_\_\_

Attorney's  
Docket 43966-CA-  
No. PCT-US/JPW/SHS

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

October 5, 1999

10/05/99  
09/412284  
10/05/99

S I R:

This is a request for filing a   X   CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

  X   37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application  
Serial No. 08/973,601 filed on        March 16, 1998        of

       Graham P. Allaway, et al.

for

Inventor(s)

METHODS FOR USING RESONANCE ENERGY TRANSFER-BASED ASSAY OF HIV-1 ENVELOPE GLYCOPROTEIN-MEDIATED MEMBRANE FUSION, AND KITS FOR PRACTICING SAME

Title of Invention

1.   X   Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.   X   A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
       is enclosed.  
  X   was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)).
3.   X   The filing fee is calculated as follows:

CLAIMS AS FILED. LESS ANY CLAIMS CANCELLED BY AMENDMENT

|  | NUMBER<br>FILED |   | NUMBER<br>EXTRA* |   | RATE            |                 | FEE             |                 |
|--|-----------------|---|------------------|---|-----------------|-----------------|-----------------|-----------------|
|  |                 |   |                  |   | SMALL<br>ENTITY | OTHER<br>ENTITY | SMALL<br>ENTITY | OTHER<br>ENTITY |
| Total Claims   | 8-20            | = | 0                | X | 9               | 18              | = \$ 0          | \$ 0            |
| Independent<br>Claims  | 6-3             | = | 3                | X | 39              | 78              | = \$ 117        | \$ 0            |
| Multiple Dependent<br>Claims Presented: <u>      </u> Yes <u>  X  </u> No  |                 |   |                  |   | 130             | 260             | = \$ 0          | \$ 0            |
| *If the difference in Col. 1 is<br>less than zero, enter "0" in<br>Col. 2. |                 |   |                  |   | BASIC FEE       |                 | \$ 380          | \$ 760          |
|  |                 |   |                  |   | TOTAL FEE       |                 | \$ 497          | \$ 0            |

Filing an application pursuant to this section expressly abandons the  
parent application.

Applicant: Graham P. Allaway, et al.  
Serial No.: Not Yet Known  
Filed: October 5, 1999

Cont.Div.  
Page 2

4. X The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X Any additional filing fees required under 37 C.F.R. §1.16.
- X Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5. X Three copies of this sheet are enclosed.
6. X A check in the amount of \$ 497.00 is enclosed.
7.        Cancel claims       .
8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.       , filed        ---
9. X 5 Sheet(s) of        informal X formal drawing(s) is/are enclosed.
10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11.        Priority of application No.        filed on        in        (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No.       , filed       .
12. X The prior application is assigned of record to Progenics Pharmaceuticals, Inc.
13. X A preliminary amendment is enclosed.
14. X The power of attorney in the prior application is to:

John P. White (Reg. No. 28.678); Norman H. Zivin (Reg. No. 25.385); Ivan S. Kavrukov (Reg. No. 25.161); Christopher C. Dunham (Reg. No. 22.031); Robert D. Katz (Reg. No. 30.141); Peter J. Phillips (Reg. No. 29.691); Wendy E. Miller (Reg. No. 35.615); Richard S. Milner (Reg. No. 33.970); Albert Wai-Kit Chan (Reg. No. 36.479); Robert T. Maldonado (Reg. 38.232); Mary Anne P. Tanner (Reg. No. 40.197); Paul Teng (40.837); George M. MacDonald (Reg. No. 39.284); Mary Catherine DiNunzio (Reg. No. 37.306); Elizabeth M. Wieckowski (Reg. No. P-42.226); Victor Devito (Reg. No. 36.325); Pedro C. Fernandez (Reg. No. P-41.741); William D. DeVaul (Reg. No. P-42.483); Todd A. Holmbo (Reg. No. P-42.665); Steven J. Lieb (Reg. No. P-41.943) and Steven B. Stein (Reg. No. P-43.159)

Applicants: Graham P. Allaway, et al.  
Serial No.: Not Yet Known  
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Cont/Div.  
Page 3

- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing No.  
EJ 946 966 430 US, dated October 5, 1999
16.   X   I hereby verify that the attached papers are a true copy  
of prior application Serial No. 08/973,601 as originally  
filed on March 16, 1998.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

10/5/99

Signature

John P. White

John P. White, Reg. No. 28,678

       INVENTOR(S)  
       ASSIGNEE OF COMPLETE INTEREST  
  X   ATTORNEY OR AGENT OF RECORD  
       FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

10/05/99  
Jc713 U.S. PTO

A

Dkt. 43966-CA-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Graham P. Allaway, et al.  
Serial No.: Not Yet Known (Continuation of U.S. Serial No.  
08/973,601, filed March 16,  
1998)  
Filed : October 5, 1999  
For : METHODS FOR USING RESONANCE ENERGY TRANSFER-  
BASED ASSAY OF HIV-1 ENVELOPE GLYCOPROTEIN-  
MEDIATED MEMBRANE FUSION, AND KITS FOR  
PRACTICING SAME

Jc542 U.S. PTO  
09/412284  
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1185 Avenue of the Americas  
New York, New York 10036  
October 5, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION

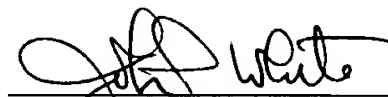
"Express Mail" mailing label number: EJ 946 966 430 US

Date of Deposit: October 5, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents Box Patent Applications, Washington, D.C. 20231.

Printed Name: Samuel Rha 63

Respectfully submitted,



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09/05/99